

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

THE BOARD OF TRUSTEES OF THE  
CARPENTERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA,

Plaintiff,

vs.

GORDON WILEY PERRY; GORDON  
WILEY PERRY, Individually and doing  
business as DRYWALL MASTERS;  
GORDON WILEY PERRY, Individually and  
doing business as G W PERRY  
CONSTRUCTION; DRYWALL  
MASTERS, a Sole Proprietorship; G W  
PERRY CONSTRUCTION, a Sole  
Proprietorship,

Defendants.

Case No: C 10-3186 SBA

**ORDER OF CONDITIONAL  
DISMISSAL**

On January 17, 2012, Plaintiff notified the Court that the action had settled and that the parties would submit a request for dismissal within thirty days. Dkt. 37. The parties further requested that the Court stay the action pending the finalization of their settlement documents. Id.

On January 18, 2012, the Court vacated the Case Management Conference ("CMC") scheduled for that date, stayed the action and continued the CMC to April 4, 2012. Dkt. 39.


1 The Court instructed the parties to submit a Joint CMC Statement at least seven (7) days  
2 prior to the CMC. Id.

3 To date, no request for dismissal has been filed nor have the parties filed a Joint  
4 CMC Statement. Given the parties' lack of response, coupled with Plaintiff's prior  
5 notification that a settlement has been reached, the Court presumes that no issue remains  
6 for its determination. Accordingly,

7 IT IS HEREBY ORDERED THAT this action and all claims asserted herein are  
8 DISMISSED with prejudice. In the event that the settlement is not reached, any party may  
9 move to reopen the case and the trial will be rescheduled, provided that such motion is filed  
10 within 30 days of this order. All scheduled dates, including the CMC scheduled for April  
11 4, 2012, are VACATED.

12 IT IS SO ORDERED.

13 Dated: April 3, 2012

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge